

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RAYMOND L. SCOTT

Plaintiff,

v.

ORDER
04-CV-738A

KALEIDA HEALTH - MILLARD FILLMORE,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On August 16, 2005, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted with prejudice and that defendant's alternative motion be denied as moot.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is granted with prejudice and defendant's alternate motion is denied as moot.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: September 8, 2005